

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>8:10CR271</b>
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>CALVIN HATTEN,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the court on the motion of defendant Calvin Hatten (Hatten) to produce (Filing No. 20) and the motion in limine (Filing No. 22).

In Hatten's motion to produce, Hatten's counsel represents that government's counsel has provided all available existing reports sought by Hatten which are producible pretrial pursuant to Fed. R. Crim. P. 16. Evidence which the government intends to present at trial pursuant to Fed. R. Evid. 404(b) shall be disclosed two weeks in advance of trial. The government is reminded of its continuing duty to disclose pursuant to Fed.R.Crim.P. 16(c). Otherwise, Hatten's motion to produce (Filing No. 20) will be denied as moot.

Hatten's motion in limine (Filing No. 22) does not claim any constitutional violation requiring a pretrial evidentiary hearing. Hatten's claims of irrelevancy and prejudice will be determined by the trial judge at or near the commencement of trial. The motion will be denied without prejudice at this time subject to reassertion immediately prior to trial.

**IT IS ORDERED:**

1. Hatten's motion to produce (Filing No. 20) is denied as moot.
2. Hatten's motion in limine (Filing No. 22) is denied without prejudice subject to reassertion immediately prior to trial.

DATED this 19th day of October, 2010.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge